

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**CLARA S. MITCHELL, as Personal Representative  
of Bobby Mitchell, dec., et al.**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 3:05cv1210-B**

**DEBBIE A. SWEET,**

**Defendant,**

**PLAINTIFF'S RESPONSE TO DEFENDANT STATE FARM MUTUAL  
AUTOMOBILE INSURANCE COMPANY'S RENEWED MOTION FOR  
ADJUDICATION OF MEDICARE'S SUBROGATION INTEREST**

COMES NOW the plaintiff, Clara S. Mitchell, as the personal representative of Bobby L. Mitchell, deceased, and responds to "Defendant State Farm Mutual Automobile Insurance Company's Renewed Motion for Adjudication of Medicare Subrogation Interest" as follows:

1. Plaintiff has no objection to State Farm's motion and, in fact, supports its request for adjudication of the Medicare subrogation issue; and,
2. Because the claim in this lawsuit has been settled between the plaintiff and defendant since last year and resolution of the Medicare subrogation issue is needed to bring this matter to a conclusion, plaintiff requests this Court to set a hearing on this matter at its earliest convenience.

Respectfully submitted,

/s/Roger L. Lucas  
ROGER L. LUCAS  
AL. Bar Id: ASB 2555 S80R

**OF COUNSEL:**

**LUCAS, PETWAY & TUCKER, P.C.**

Two Chase Corporate Drive, Suite 460  
Birmingham, AL 35242  
(205) 733-1595 - phone  
(205) 733-8683 - fax

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 26th day of April 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Hunter C. Carroll, Esq.  
Stockham, Carroll & Smith, P.C.  
2204 Lakeshore Drive, Suite 114  
Birmingham, AL 35209  
hcc@stockhampcc.com

Stanley A. Martin, Esq.  
S. Allen Martin, Jr., Esq.  
P.O. Box 2526  
Opelika, AL 36803-2526

R. Randolph Neeley  
Assistant United States Attorney  
P.O. Box 197  
Montgomery, AL 35101-0197

/s/ROGER L. LUCAS

Roger L. Lucas  
Lucas, Wash, Petway, Tucker  
& Stephens, P.C.  
Two Chase Corporate Drive  
Suite 460  
Birmingham, AL 35244  
Ph: (205) 733-1595  
Fax: (205) 733-8683  
[rlucas@lawpc.com](mailto:rlucas@lawpc.com)  
ASB 2555 S80-R